

Applicant : David R. Maas et al.  
Serial No. : 10/775,538  
Filed : February 10, 2004  
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Attorney's Docket No.: 13506-018001

### REMARKS

The Office Action dated November 4, 2005 indicated that claims 1-9 and 15-18, including independent claims 1 and 15, are allowed. Also, dependent claim 11 was indicated to be allowable if rewritten.

Dependent claim 11 has been canceled. Independent claim 10 has been amended to include the allowable subject matter of dependent claim 11. No new matter has been added by these amendments. Accordingly, claims 10 and 12-14 are in condition for allowance.

Nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as expressly stated in this paper, and the claim amendments herein do not signify concession of unpatentability of independent claim 10 prior to the amendments herein. Applicants hereby specifically reserve the right to prosecute the previously presented subject matter of claim 10 (prior to these amendments herein) in a continuation application. In particular, Applicants respectfully disagree with the contention in the Office Action dated November 4, 2005 that, with respect to claim 10, "applicant has not invoked 35 U.S.C. § 112, ¶ 6." Also, Applicants hereby specifically reserve the right to prosecute claims of different or broader scope in a continuation application. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on the amendments made herein.

This application is assigned to the same entity as the following U.S. patent applications directed generally to soil aeration: 10/387,092, 10/638,953, 10/775,540, 10/776,007, 10/866,939, 11/244,898, 11/250,694, and 11/318,728—some of which are before the Examiner in this case.

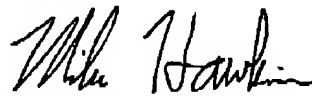
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Attached is a Petition for One-Month Extension of Time. The Commissioner is authorized to charge the \$60 extension of time fee to Deposit Account No. 06-1050, referencing Attorney Docket No. 13506-018001. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 3/6/2006



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